

State Board of Health Nominating Committee
Minutes
June 7, 2018 – 8:30 a.m.
Perimeter Center, 9960 Mayland Drive
Richmond, Virginia 23233

Members present: Holly Puritz, MD, Chair; Tommy East; Katherine B. Waddell; and Mary Margaret Whipple

VDH staff present: Joe Hilbert, Director of Governmental and Regulatory Affairs

The members discussed a slate of officers to recommend to the Board. The members also discussed the need for possible changes to the Board's Bylaws. The meeting adjourned at 8:50 a.m.

State Board of Health
Minutes
June 7, 2018 – 9:00 a.m.
Perimeter Center, 9960 Mayland Drive
Richmond, Virginia 23233

Members present: Faye Prichard, Chair; Gary Critzer; Tommy East; Jim Edmondson; Linda Hines; Patricia Kinser, PhD; Wendy Klein, MD; Benita Miller, DDS; Holly Puritz, MD; Jim Shuler, DVM; Stacey Swartz, PharmD; Katherine Waddell; and Mary Margaret Whipple

Members absent: Lisa Harrison and Anna Jeng, ScD

VDH staff present: Dr. Norm Oliver, State Health Commissioner; Richard Corrigan, Deputy Commissioner for Administration; Bob Hicks, Deputy Commissioner for Community Health Services; Kim Allan, Acting Deputy Commissioner for Public Health and Preparedness; Jeff Stover, Acting Deputy Commissioner for Population Health; Joe Hilbert, Director of Governmental and Regulatory Affairs; Cathy Peppers, Administrative Assistant; Catherine West, Administrative Assistant; Maribeth Brewster, Communications Manager; Dr. Laurie Forlano, Director, Office of Epidemiology; Steve Harrison, Director, Office of Radiological Health; Steve Pellei, Director, Financial and Construction Assistance Programs, Office of Drinking Water; Barry Matthews, Director, Division of Capacity Development, Office of Drinking Water; Dr. Vanessa Walker Harris, Director, Office of Family Health Services; Angela Alley, Public Health Nurse, Mount Rogers Health District; and Dr. Diane Woolard, Director, Division of Disease Surveillance and Investigation, Office of Epidemiology

Others Present: Robin Kurz, Cynthia Bailey, Sean Murphy, and Sam Towell, Office of the Attorney General; and Dr. Chris Wilson, Director, Western Tidewater Health District

Call to Order

Ms. Prichard called the meeting to order at 9:00 a.m. Dr. Miller led those in attendance in the pledge of allegiance.

Welcome and Introductions

Ms. Prichard welcomed those in attendance to the meeting. Ms. Prichard told Dr. Oliver that the Board looks forward to working with him in his new role as State Health Commissioner. Mr. Hilbert then reviewed the agenda and the items contained in the Board's notebooks.

Approval of March 15, 2018 Minutes

Dr. Kinser made a motion to approve the minutes from the Board's March 15, 2018 meeting with Dr. Puritz seconding the motion. The minutes were approved unanimously by a voice vote.

Approval of April 30, 2018 Orientation for New Members Minutes

Ms. Waddell made a motion to approve the minutes from the April 30, 2018 orientation for new members meeting with Ms. Prichard seconding the motion. The minutes were approved unanimously by a voice vote by those members who attended the meeting (Ms. Prichard and Ms. Waddell; Ms. Harrison was not in attendance at today's meeting).

Commissioner's Report

Dr. Oliver provided the Commissioner's Report to the Board. He began with the introduction of the "agency stars" for the meeting: Angela Alley with the Mount Rogers Health District and Dr. Diane Woolard with the Office of Epidemiology.

Dr. Oliver then updated the Board on key issues and projects that VDH is currently involved with, including:

- Response to the opioid addiction crisis;
- Recent federal emergency preparedness training exercise that VDH participated in;
- Active supervision of the cooperative agreement with Ballad Health in southwest Virginia;
- State medical facilities plan (SMFP) task force and possible updates to the SMFP;
- Mumps outbreak;
- Information on drinking water infrastructure concerns;
- Status of public health accreditation for VDH; and
- the Virginia Neonatal Perinatal Collaborative.

Dr. Oliver ended his report by informing the Board about recent VDH key personnel changes:

- Kim Allan – Acting Deputy Commissioner for Public Health and Preparedness;
- Jeff Stover – Acting Deputy Commissioner for Population Health; and
- Robert Payne – Acting Director, Office of Licensure and Certification.

Matrix of Pending Regulatory Actions

After a brief break, Mr. Hilbert reviewed the summary of all pending VDH regulatory actions. Since the March 2018 meeting, the Commissioner has not approved any actions on behalf of the Board while the Board was not in session. Mr. Hilbert advised the Board that there are eight periodic reviews in progress:

- Public Participation Guidelines (12VAC5-11);
- Regulations for Immunization of School Children (12VAC5-110);
- Regulations Governing Eligibility Standards and Charges for Medical Services to Individuals (12VAC5-200);
- Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations (12VAC5-220);
- Regulations for the Licensure of Nursing Facilities (12VAC5-371);
- Regulations for the Licensure of Hospice (12VAC5-391);
- Certificate of Quality Assurance of Managed Care Health Insurance Plan Licensees (12VAC5-408); and
- Regulations Governing the Virginia Physician Loan Repayment Program (12VAC5-508).

He also updated the Board concerning executive branch review activity on regulatory actions since the March 2018 meeting.

Public Comment

There were no comments from any member of the public.

Regulatory Action Items

Virginia Radiation Protection Regulations: Fee Schedule (12VAC5-490) – Final Amendments

Mr. Harrison presented the final amendments. The amendments will update the fees for x-ray program device registrations and inspections as well as amend the fee schedule used by the radioactive materials program for charging annual licensing fees. The final amendments are necessary in order to provide monetary support for these two programs. Mr. Critzer moved that the final amendments be approved with Mr. East seconding the motion. The motion was approved unanimously by a voice vote.

Report of the Nominating Committee

Dr. Puritz provided the report of the Nominating Committee. The Committee was comprised of Dr. Puritz, Mr. East, and Ms. Whipple. The Nominating Committee recommended the following slate of Board officers, to begin their terms at the end of the meeting today and expiring at the conclusion of the Board's June 2019 meeting:

Chair – Faye Prichard

Vice-Chair – Linda Hines

Executive Committee Member – Jim Edmondson
Executive Committee Member – Dr. Jim Shuler

Dr. Puritz also told the Board that the members of the Nominating Committee also discussed the need to review and possibly update the Board's Bylaws. Mr. Hilbert told the Board that he would review the Board's Bylaws along with legal counsel from the Office of the Attorney General and report back to the Board, including any recommended changes to the Bylaws, at the September 2018 meeting.

Election of Officers

Ms. Prichard opened the floor for other nominations. Hearing no other nominations, the Board received the Nominating Committee report as a motion to approve the slate of officers with Ms. Waddell seconding the motion. The slate of officers was approved unanimously by a voice vote.

Member Reports

Katherine Waddell – Consumer Representative. She told the Board about her experience with having shingles and recommended that everyone get the shingles vaccine.

Dr. Jim Shuler – Virginia Veterinary Medical Association (VVMA). No report.

Mary Margaret Whipple – Hospital Industry. She told the Board that the Virginia Hospital and Healthcare Association is excited about the approval of the expansion of Medicaid. She also told the Board about the provider assessment which will be paid by the hospitals to cover the state's share of Medicaid expansion.

Gary Critzer – Emergency Medical Services (EMS) Representative. – He told the Board that the Task Force and Trauma System Oversight and Management Committee is meeting today to approve the final plan for a new statewide trauma plan. The State EMS Advisory Board will consider the approved plan at its August 2018 meeting.

Dr. Wendy Klein – Medical Society of Virginia (MSV). No report.

Tommy East – Nursing Home Industry Representative. No report.

Linda Hines – Managed Care Health Insurance Plans. She told the Board that managed care organizations have been working on plans to implement Medicaid expansion after its approval. She said that it is hoped that the plans will be ready to go out by January 1.

Faye Prichard – Local Government. No report.

Dr. Benita Miller – Virginia Dental Association (VDA). She told the Board that the VDA is preparing for its 100th Mission of Mercy event in Wise County in July. This year's event, for the first time, will be indoors. This will provide improved safety for both patients and caregivers.

She also told the Board that VDA's executive director will be retiring at the end of the year and about the continued work around community dental coordinators.

Stacey Swartz – Virginia Pharmacists Association (VPA). She told the Board that some areas in Virginia do not have access to pharmacy services and about VPA's focus on this issue.

Jim Edmondson – Corporate Purchaser of Health Care. He told the Board about work being done in northern Virginia by a number of religious and non-profit organizations related to end-of-life planning. He encouraged the Board members to focus on this issue in their communities.

Dr. Patricia Kinser – Virginia Nurses Association (VNA). She told the Board that the VNA held a conference in late April about the opioid crisis and mental health issues. Another meeting will be held in July and the VNA welcomes inter-disciplinary collaborators.

Dr. Holly Puritz – Medical Society of Virginia (MSV). She told the Board that the American College of Obstetricians and Gynecologists (ACOG) is excited about Medicaid expansion. She also told the Board about ACOG's work involving post-partum IUD placement, stating that spacing of pregnancies make for healthier babies.

Lunch Presentation

After a brief break for the Board members to pick up their lunches, Mr. Hicks introduced Dr. Wilson as the lunch speaker. Dr. Wilson told the Board about the community health assessment and community health improvement efforts in the Western Tidewater District. He told the Board that many factors influence health and that in order to make health work, much work is needed to get Virginia where it needs to be. Dr. Wilson told the Board that local health rankings and issues are widely varied in the four localities that comprise the Western Tidewater District. Diabetes, obesity, physical inactivity, and tobacco use are four areas where work is being done across the district with additional work done in areas of low birth weight, teen pregnancy, and social determinates for health in the areas where those issues are more prevalent in the district. Having stakeholders in the community involved is key to making health improvements.

Melendez v. Board of Health

Ms. Prichard told the Board that she would entertain a motion to go into closed session pursuant to § 2.2-3711(a)(7) and (8) of the Code of Virginia for consultation with, and the provision of, legal advice by the Office of the Attorney General regarding *Melendez v. Board of Health* to include the following individuals: Norman Oliver, Joe Hilbert, Sam Towell, Cynthia Bailey, and Catherine West because 1) their presence in the closed meeting is deemed necessary, and/or 2) their presence will aid the Board in its consideration of the matter. Mr. Edmondson so moved with Dr. Kinser seconding the motion. The motion was approved unanimously by a roll call vote.

Closed session of the Board.

Ms. Hines made a motion that certified that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed session were heard, discussed, or considered during the closed session just concluded and to re-convene from the closed session. Ms. Waddell seconded the motion. The motion was approved unanimously by a roll call vote.

Other Business

After a brief break, Ms. Hines made the following motion:

In accordance with Code of Virginia § 32.1-20, I move that the Board direct Commissioner Oliver to develop a Notice of Intended Regulatory Action that the Board intends to amend and re-promulgate 12VAC5-412, Regulations for Licensure of Abortion Facilities. The purpose of the proposed action is to assess all current regulation content and to determine whether it should be amended or retained in its current form. The Notice of Intended Regulatory Action shall state that revisions to the regulation content may be proposed based on public comments received and input from the Department. The NOIRA should also state that the Board intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Dr. Oliver is directed to draft the NOIRA, approve it on behalf of the Board in accordance with § 32.1-20, submit the NOIRA for executive branch review and for publication as soon as possible consistent with the requirements of the VAPA, the Registrar of Regulations, and Executive Order 17 or any superseding executive order.

Ms. Waddell seconded the motion. The motion was approved unanimously by a voice vote. In response to a question from the Board, Ms. Prichard directed that Ms. West send the wording of the motion to all Board members after the conclusion of the meeting.

Adjourn

The meeting adjourned at approximately 1:13 p.m.